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October 31, 2003

The Honorable Porter J. Goss
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
H-405 The Capitol
Washington, DC 20515

The Honorable Jane Harman
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
H-405 The Capitol
Washington, DC 20515

Dear Chairman Goss and Ranking Member Harman:

I understand the Federal Bureau of Investigation ("FBI") is asking your Committee to include language authorizing the FBI to enter into personal service contracts as you conclude consideration of H.R. 2417, the "Intelligence Authorization Act for Fiscal Year 2004." I ask that you reject this request because it would allow the hiring of contract employees in violation of existing restrictions on such hiring.

Current law provides that any Federal agency with specific statutory authorization may enter into personal service contracts subject to certain statutory and regulatory requirements.¹ One such requirement is that any person who is a re-employed civilian contractor would be subject to salary offsets in an amount equal to his or her receipt of Federal retirement annuities.² Moreover, an agency that hires contractors must (1) obey Office of Personnel Management ("OPM") regulations pertaining to the appropriate circumstances for hiring such contractors and the criteria for setting contractor pay scales, and (2) provide OPM with details regarding such contracts.³ The FBI's proposal would waive not only all of these requirements but also any regulations on competitive contracting when hiring contract employees, resulting in contractors with higher salaries and in a personnel system with no oversight.

¹5 U.S.C. § 3109 (2003).

²*Id.* §§ 8344, 8468 (2003).

³*Id.* § 3109(d).

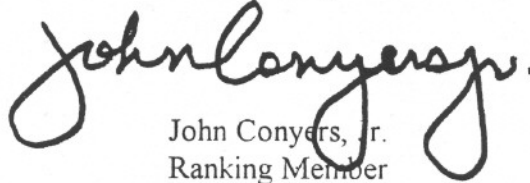
Chairman Goss & Ranking Member Harman

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For these reasons, I ask that you not authorize the FBI to enter into personal service contracts. If you have any questions or require additional information, please feel free to contact me or my staff.

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive style. The signature is positioned above the printed name and title.

John Conyers, Jr.
Ranking Member

cc: The Honorable F. James Sensenbrenner, Jr.
Chairman
U.S. House Committee on the Judiciary